

# New details emerge about removal of San Jose's historic Mural de la Raza

By Leonardo Castañeda | Bay Area News Group December 5, 2018



A detail of the mural, “Mexicatlan,” which was painted by muralist Guillermo Aranda in 2002 at the corner of Sunset and Alum Rock avenues in San Jose, and later painted over. (Courtesy of Guillermo Aranda)

The new owner of the Story Road property where a historic San Jose mural was mysteriously painted over, sparking a \$5 million lawsuit, previously settled a complaint from a different artist over the removal of another mural four years ago, according to the artist and his attorney.

The owner, identified in new court documents as Suong Le, was the target of a complaint from muralist Guillermo Aranda over the removal of “Mexicatlan,” a mural he painted in 2002 on the corner of a building at Sunset and Alum Rock avenues, about two miles from the site where “Mural de la Raza” was removed this summer from a shuttered storefront.

Le, listed in public records as a dentist, and her attorney did not respond to requests for comment.

Aranda and his attorney said they sent a letter of complaint to San Jose Dental Surgery Center about the sudden removal of “Mexicatlan.” The center occupied the building where Aranda’s mural existed, but did not own the property, records suggest. However, Le has been listed as a principal and CEO of San Jose Dental Surgery Center since 2007. Aranda and attorney Brooke Oliver said they complained to the center and Le in 2014 when the mural was removed and then entered into negotiations. In 2015, they said, Le and the center paid an undisclosed cash settlement, and the matter never went to court.

An artist with murals throughout Santa Cruz and Monterey counties, Aranda was part of a group that painted murals under a freeway overpass in San Diego, which eventually grew into a National Historic Landmark called Chicano Park. In 2002, he said he was commissioned by a neighborhood nonprofit to paint a mural on the corner of the Sunset and Alum Rock building. That organization was the Mayfair Improvement Initiative, now SOMOS Mayfair.

Aranda said he worked with young people in the group's community youth program to develop the idea for the mural, which included depictions of the Virgen de Guadalupe, a religious figure popular in many Mexican-American communities, as well as civil rights activist Cesar Chavez, who lived in San Jose's Mayfair neighborhood for a time.

"They, as well as other community members coming by, helped me in the painting," he said.

Some time in 2014, after the original occupants had left the building and the dental center had moved in, residents in San Jose contacted him to let him know the mural had been tagged with graffiti. Some offered to help raise money so he could restore the work. But within a few days, Aranda said, he was told the mural had been painted over.

"There was a lot of frustration, a lot of anger," he said.

That frustration returned in the community after "Mural de la Raza" on Story Road was removed from the side of a shuttered Payless ShoeSource in August as a condition of the property's sale to A7 Story LLC, whose principal is identified in new court documents as Suong Le. Last month, Bay Area muralist Jose Meza Velasquez filed suit, alleging in federal court that the new and former owners of that building violated state and federal laws that protect artists' work by removing Mural de la Raza without notice.

Earlier this year, 21 graffiti artists collectively won a \$6.7 million judgement after the owner of the 5Pointz complex in New York painted over several murals. In 2008, artist Kent Twitchell won a \$1.1 million settlement after a six-story mural he created in downtown Los Angeles was painted over.

A cross complaint filed by A7 Story last week in the "Mural de la Raza" case shed new light on the lead-up to the mural's seemingly overnight removal. According to the documents, Le agreed to purchase the former shoe store property under a condition: the previous owner would remove the mural, painted by Velasquez in 1985. Le would then transfer ownership of the building to A7 Story, the documents said.

But, according to documents filed by the seller, 2048 Partners LLC, the company "pushed back on the provision requiring the removal of the mural; however, A7 Story remained steadfast that the mural had to be removed before the close of escrow."

Attorneys for Le said "A7 Story assumed that 2048 Partners was complying with all applicable laws, statutes and regulations with respect to the Mural especially in light of the fact that the owner of 2048 Partners is a California licensed attorney."

Instead, A7 Story's cross-complaint alleges, the previous owner painted the mural "in the middle of the night" on August 29, two days before close of escrow. In its court filings, 2048 Partners said that "painters painted over part of the mural, but did not paint over the entire mural."

A photo captured by a community member on August 29 shows the wall painted gray except for a small square depicting the Virgen de Guadalupe.

A7 Story then told 2048 Partners that the entire mural had to be painted over, and so the small square was painted as well, according to court documents. In its response to Velasquez's lawsuit, 2048 Partners said it believed no notice to the artist about the impending removal of the mural was required. An attorney for 2048 Partners did not respond to a request for comment.

A7 Story found out about concerns over the mural's removal from news reports on August 31, the day escrow closed on the sale of the property, according to the cross-complaint. After the sale, Le also learned that after the Payless Shoe Source closed, community members last year had contacted the property manager to set up a meeting with 2048 Partners to discuss the mural's historical significance and its ongoing preservation. On Wednesday, Carlos Velazquez and Jose Valle said they had reached out to the property manager, who told them it would forward their concerns to the property owner but Velazquez and Valle never heard back.

Aranda, the Alum Rock muralist, said anger about the loss of his mural eventually gave way to sadness for both himself and Le, whom he said he met but never spoke with.

"As an artist, it's kind of painful. Somebody comes and just wipes your work out."



Upset over the gray-washing of the historic Mural de la Raza on the East Side, a rally is held on Mexican Independence Day, Sunday, Sept. 16, 2018, in San Jose, Calif. The wall that featured a historic mural celebrating city's rich Chicano heritage was painted over last month. (Karl Mondon/Bay Area News Group)